

REMARKS

This Amendment is in response to the DECISION ON APPEAL of May 8, 2008 (in Appeal 2008-2774, Application 10/650,302) and the NOTICE OF ABANDONMENT of May 15, 2008, and the Office Action of June 16, 2008.

Applicant requests withdrawal of the holding of Abandonment, and entry of this Amendment. In the DECISION ON APPEAL of May 8, 2008, the final rejection of Claims 1-6, 8-22 and 25-28 was affirmed. The allowable Claims 7, 23 and 24 and the withdrawn Claims 29-33 were indicated to be not on appeal.

With this Amendment, the rejected Claims 1-6, 8-22 and 25-28 are cancelled, the allowable Claims 7, 23 and 24 are amended to be in independent form, and the withdrawn Claims 29-33 are cancelled. Amended Claims 7, 23 and Claim 24 are presented for reconsideration and allowance.

Notice of Abandonment

Applicant hereby requests withdrawal of the holding of abandonment in the Notice of Abandonment of May 15, 2008 and entry of the present Amendment. The period for seeking court review of the DECISION ON APPEAL of May 8, 2008 has not yet expired and runs until July 8, 2008. There is therefore not an abandonment in fact. The Notice of Abandonment of May 15, 2008 appears to be premature because the period for seeking court review has not yet expired. See MPEP 711.03. The undersigned communicated by phone with the Examiner on June 10-13, 2008 and the Examiner confirmed that steps are being taken to withdraw the Notice of Abandonment and to issue a PTO-90 providing a month to put the allowable claims in independent form.

Allowable Claims

In the Final Office Action of April 4, 2005 and the Office Action of June 16, 2008, Claims 7, 23 and 24 were objected to as depending from a rejected base claim, but otherwise allowable. With this Amendment, Claims 7 and 23 are amended to be in independent form. Withdrawal of the objections and allowance of Claims 7 and 23, and well as dependent Claim 24

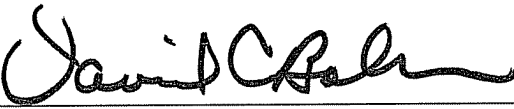
which depends from Claim 23 are therefore requested.

Concluding Remarks

The Application appears to be in condition for allowance of Claims 7, 23 and 24, and favorable action is requested. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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